

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877
www.riggslandnc.com

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

June 24, 2024

To: Mr. Jonathan Lucas
Division of Coastal Management
North Carolina Department of Environmental Quality
400 Commerce Avenue
Morehead City, North Carolina 28557

Re: Lincoln B. Scott Submittal for Minor CAMA Permit

Dear Mr. Lucas:

On behalf of Lincoln B. Scott, Charles F. Riggs & Associates, Inc. submits for your review the enclosed application for a Minor CAMA permit for the property at 1116 New River Inlet Road, North Topsail Beach, Onslow County, North Carolina.

Respectfully,


James L. Riggs

Locality _____ Permit Number _____
Ocean Hazard _____ Estuarine Shoreline _____ ORW Shoreline _____ Public Trust Shoreline _____ Other _____
(For official use only)

GENERAL INFORMATION

LAND OWNER

Name Lincoln B. Scott
Address 4089 4th Street
City Surf City State NC Zip 28445 Phone (910) 455-0877
Email tadscotthomes@gmail.com

AUTHORIZED AGENT

Name Charles F. Riggs & Associates, Inc.
Address P. O. Box 1570
City Jacksonville State NC Zip 28541 Phone (910) 455-0877
Email riggsland@riggslandnc.com

LOCATION OF PROJECT: (Address, street name and/or directions to site. If not oceanfront, what is the name of the adjacent waterbody.) 1116 New River Inlet Road, North Topsail Beach, Onslow County (Lot 5)

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) **Proposed Two-Story Dwelling on Pilings with Decks Partially Enclosed below for Entry and Storage, and All Proposed SIZE OF LOT/PARCEL: 18,847 square feet 0.432 acres Improvements as Shown on Map**

PROPOSED USE: Residential (Single-family Multi-family Commercial/Industrial Other

COMPLETE EITHER (1) OR (2) BELOW (Contact your Local Permit Officer if you are not sure which AEC applies to your property):

(1) **OCEAN HAZARD AECs:** TOTAL FLOOR AREA OF PROPOSED STRUCTURE: 2260 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space)

(2) **COASTAL SHORELINE AECs:** SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT UPON SURFACES: N/A square feet (includes the area of the roof/drip line of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)

STATE-Stormwater Management PERMIT: Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Water Quality?

YES NO

If yes, list the total built upon area/impervious surface allowed for your lot or parcel: _____ square feet.

OTHER PERMITS MAY BE REQUIRED: The activity you are planning may require permits other than the CAMA minor development permit, including, but not limited to: Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Building, Electrical, Plumbing, Heating and Air Conditioning, Insulation and Energy Conservation, FIA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, and others. Check with your Local Permit Officer for more information.

STATEMENT OF OWNERSHIP:

I, the undersigned, an applicant for a CAMA minor development permit, being either the owner of property in an AEC or a person authorized to act as an agent for purposes of applying for a CAMA minor development permit, certify that the person listed as landowner on this application has a significant interest in the real property described therein. This interest can be described as: (check one)

an owner or record title. Title is vested in Fee Simple, sec Deed Book 6041 page 773 in the Onslow County Registry of Deeds.

an owner by virtue of inheritance. Applicant is an heir to the estate of _____; probate was in _____ County.

if other interest, such as written contract or lease, explain below or use a separate sheet & attach to this application.

NOTIFICATION OF ADJACENT PROPERTY OWNERS:

I furthermore certify that the following persons are owners of properties adjoining this property. I affirm that I have given ACTUAL NOTICE to each of them concerning my intent to develop this property and to apply for a CAMA permit.

- (1) Mr. and Mrs. Mark B. Godshall, 1474 Markley Road, Pennsburg, PA 18073-1924 (Name) (Address)
- (2) Jenkins Holdings, LLC, 618 Line Road, Mechanicsburg, PA 17050-4167
- (3) _____
- (4) _____

ACKNOWLEDGEMENTS:

I, the undersigned, acknowledge that the land owner is aware that the proposed development is planned for an area which may be susceptible to erosion and/or flooding. I acknowledge that the Local Permit Officer has explained to me the particular hazard problems associated with this lot. This explanation was accompanied by recommendations concerning stabilization and floodproofing techniques.

I furthermore certify that I am authorized to grant, and do in fact grant, permission to Division of Coastal Management staff, the Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This the 24th day of June, 2024


Landowner or person authorized to act as his/her agent for purposes of filing a CAMA permit application

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the Ocean Hazard AEC Notice where necessary, a check for \$100.00 made payable to the locality, and any information as may be provided orally by the applicant. The details of the application as described by these sources are incorporated without reference in any permit which may be issued. Deviation from these details will constitute a violation of any permit. Any person developing in an AEC without permit is subject to civil, criminal and administrative action.

APPLICATION: _____

LOCALITY: _____

PERMIT ISSUED USING
STATIC LINE EXCEPTION?

YES NO

SITE DRAWING/APPLICATION CHECKLIST

Please make sure your site drawing includes the following information required for a CAMA minor development permit. The Local Permit Officer will help you, if requested.

PHYSICAL DIMENSIONS

- Label roads
- Label highways right-of-ways
- Label local setback lines
- Label any and all structures and driveways currently existing on property
- Label adjacent waterbody

PHYSICAL CHARACTERISTICS

- Draw and label normal high water line (contact LPO for assistance)
- Draw location of on-site wastewater system
- If you will be working in the ocean hazard area:
 - Draw and label dune ridges (include spot elevations)
 - Draw and label toe of dunes
 - Identify and locate first line of stable vegetation (contact LPO for assistance)
 - Draw and label erosion setback line (contact LPO for assistance)
 - Draw and label topographical features (optional)

If you will be working in a coastal shoreline area:

- Show the roof overhang as a dotted line around the structure
- Draw and label landward limit of AEC
- Draw and label all wetland lines (contact LPO for assistance)
- Draw and label the 30-foot buffer line

DEVELOPMENT PLANS

- Draw and label all proposed structures
- Draw and label areas that will be disturbed and/or landscaped
- Note size of piling and depth to be placed in ground
- Draw and label all areas to be paved or gravelled
- Show all areas to be disturbed
- Show landscaping

NOTE TO APPLICANT

- Have you:
- completed all blanks and/or indicated if not applicable?
 - notified and listed adjacent property owners?
 - included your site drawing?
 - signed and dated the application?
 - enclosed the \$100.00 fee?
 - completed an AEC Hazard Notice, if necessary? (Must be signed by the property owner)

FOR STAFF USE

Site Notice Posted _____ Final Inspection _____ Fee Received _____

Site Inspections _____

Date of Action: Issued _____ Exempted _____ Denied _____ Appeal Deadline (20 days from permit action) _____



In 1974, the North Carolina General Assembly passed the Coastal Area Management Act (CAMA) and set the stage for guiding development in fragile and productive areas that border the state's sounds and oceanfront. Along with requiring special care by those who build and develop, the General Assembly directed the Coastal Resources Commission (CRC) to implement clear regulations that minimize the burden on the applicant.

This application for a minor development permit under CAMA is part of the Commission's effort to meet the spirit and intent of the General Assembly. It has been designed to be straightforward and require no more time or effort than necessary from the applicant. Please go over this folder with the Local Permit Officer (LPO) for the locality in which you plan to build to be certain that you understand what information he or she needs before you apply.

Under CAMA regulations, the minor permit is to be issued within 25 days once a complete application is in hand. Often less time is needed if the project is simple. The process generally takes about 18 days. You can speed the approval process by making certain that your application is complete and signed, that your drawing meets the specifications given inside and that your application fee is attached.

Other permits are sometimes required for development in the coastal area. While these are not CAMA-related, we urge you to check with the Local Permit Officer to determine which of these you may need. A list is included on page two of this folder.

We appreciate your cooperation with the North Carolina Coastal Management Program and your willingness to build in a way that protects the resources of our beautiful and productive coast.

Coastal Resources Commission
Division of Coastal Management

7022 2410 0000 4515 2496

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

23-04-19

For delivery information, visit our website at www.usps.com®.
Pennsburg, PA 18073

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$3.65
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0600
24
Postmark
Here

Postage	\$2.59
Total Postage and Fees	\$10.64

06/25/2024

Sent to Mr. & Mrs. Mark Godshall
Street and Apt. No., or PO Box No. 1474 Markley Road
City, State, ZIP+4® Pennsburg, PA 18073-1924

7022 2410 0000 4515 2502

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

23-04-19

For delivery information, visit our website at www.usps.com®.
Mechanicsburg, PA 17050

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$3.65
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0600
24
Postmark
Here

Postage	\$2.59
Total Postage and Fees	\$10.64

06/25/2024

Sent to Jenkins Holdings, LLC
Street and Apt. No., or PO Box No. 618 Lyle Road
City, State, ZIP+4® Mechanicsburg, PA 17050-4167

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June 24, 2024

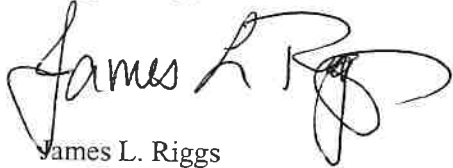
Mr. and Mrs. Mark B. Godshall
1474 Markley Road
Pennsburg, PA 18073-1924

Re: Lincoln B. Scott Submittal for Minor CAMA Permit

Dear Mr. and Mrs. Godshall:

On behalf of Lincoln B. Scott, Charles F. Riggs & Associates, Inc. is submitting to the Division of Coastal Management, North Carolina Department of Environmental Quality the enclosed applications for CAMA permits for the properties located at 1108, 1112 and 1116 New River Inlet Road, North Topsail Beach, Onslow County, North Carolina. Lincoln B. Scott is planning to construct two-story dwellings on pilings with decks partially enclosed below for entry and garage and all proposed improvements, as shown on map. We are required to notify the adjoining owners of this submittal. If you have objections, please contact Mr. Jonathan Lucas in a timely manner at jonathan.lucas@deq.nc.gov, (252) 515-5420, or by mail to Division of Coastal Management, N.C. Department of Environmental Quality, 400 Commerce Avenue, Morehead City, NC 28557.

Respectfully,



James L. Riggs

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June 24, 2024


Jenkins Holdings, LLC
618 Line Road
Mechanicsburg, PA 17050-4167

Re: Lincoln B. Scott Submittal for Minor CAMA Permit

To whom it may concern:

On behalf of Lincoln B. Scott, Charles F. Riggs & Associates, Inc. is submitting to the Division of Coastal Management, North Carolina Department of Environmental Quality the enclosed applications for CAMA permits for the properties located at 1108, 1112 and 1116 New River Inlet Road, North Topsail Beach, Onslow County, North Carolina. Lincoln B. Scott is planning to construct two-story dwellings on pilings with decks partially enclosed below for entry and garage and all proposed improvements, as shown on map. We are required to notify the adjoining owners of this submittal. If you have objections, please contact Mr. Jonathan Lucas in a timely manner at jonathan.lucas@deq.nc.gov, (252) 515-5420, or by mail to Division of Coastal Management, N.C. Department of Environmental Quality, 400 Commerce Avenue, Morehead City, NC 28557.

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Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

AGENT AUTHORIZATION FORM

Date: February 8, 2024

Name of Property Owner Applying for Permit:

Mr. Lincoln B. Scott

Mailing Address:

4089 4th Street

Surf City, NC 28445-8632

I certify that I have authorized Charles F. Riggs & Associates, Inc. to act on my behalf, for the purpose of applying for and obtaining all CAMA Permits necessary to install or construct proposed construction, as shown on attached map and located at 1108, 1112 and 1116 New River Inlet Road, North Topsail Beach, Onslow County, North Carolina, and I grant permission to the Division of Coastal Management to access the property to mark/flag:

The First Line of Stable Natural Vegetation

The Coastal Wetlands

The Normal High Water Line

This authorization is valid thru February 8, 2025.

DocuSigned by:

Lincoln Scott

CF8202189AE5448...

February 8, 2024

Property Owner Signature

Date

OCEAN HAZARD AEC NOTICE

Project is in an: _____ Ocean Erodible Area _____ High Hazard Flood Area _____ Inlet Hazard Area

Property Owner: Lincoln B. Scott

Property Address: 1108, 1112 and 1116 New River Inlet Road, North Topsail Beach

Date Lot Was Platted: September 2023

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is _____ feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as _____ feet landward in a major storm.

The flood waters in a major storm are predicted to be about _____ feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be re-measured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate re-measurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

Local Permit Officer

Address

Locality

Phone Number

DocuSigned by:

Lincoln Scott

2/8/2024

CF8202189AE5448

Property Owner Signature

Date

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB Control No. 1660-0008
Expiration Date: 06/30/2026

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>LINCOLN B. SCOTT</u>	Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>1116 NEW RIVER INLET ROAD</u>	Company NAIC Number: _____
City: <u>NORTH TOPSAIL BEACH</u> State: <u>NC</u> ZIP Code: <u>28460</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>LOT 5, OCEAN VIEW SHORES</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>RESIDENTIAL</u>	
A5. Latitude/Longitude: Lat. <u>34d30'24"N</u> Long. <u>77d23'22"W</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: <u>6</u>	
A8. For a building with a crawlspace or enclosure(s): a) Square footage of crawlspace or enclosure(s): <u>262</u> sq. ft. b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>3</u> d) Total net open area of non-engineered flood openings in A8.c: <u>N/A</u> sq. in. e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>600</u> sq. ft. f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.	
A9. For a building with an attached garage: a) Square footage of attached garage: <u>N/A</u> sq. ft. b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>N/A</u> d) Total net open area of non-engineered flood openings in A9.c: <u>N/A</u> sq. in. e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>N/A</u> sq. ft. f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.	

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1.a. NFIP Community Name: <u>NORTH TOPSAIL BEACH</u>	B1.b. NFIP Community Identification Number: <u>370466</u>		
B2. County Name: <u>ONslow</u>	B3. State: <u>NC</u>	B4. Map/Panel No.: <u>3720428700</u>	B5. Suffix: <u>K</u>
B6. FIRM Index Date: <u>06/02/2021</u>	B7. FIRM Panel Effective/Revised Date: <u>06/19/2020</u>		
B8. Flood Zone(s): <u>AE</u>	B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>12'</u>		
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____			
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____			
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Designation Date: <u>10/01/1983</u> <input checked="" type="checkbox"/> CBRS <input type="checkbox"/> OPA			
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

JAL 6/24/24

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:
1116 NEW RIVER INLET ROAD

Policy Number: _____

City: NORTH TOPSAIL BEACH State: NC ZIP Code: 28460

Company NAIC Number: _____

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: NC CORS Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other: _____

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used? Yes No

If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

- | | | | |
|---|-------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor): | <u>9.0</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor (see Instructions): | <u>21.8</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (see Instructions): | <u>19.3</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab): | <u>N/A</u> | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): | <u>14.1</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest Adjacent Grade (LAG) next to building: <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Finished | <u>8.2</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest Adjacent Grade (HAG) next to building: <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Finished | <u>8.2</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Finished LAG at lowest elevation of attached deck or stairs, including structural support: | <u>N/A</u> | <input type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Check here if attachments and describe in the Comments area.

Certifier's Name: JAMES A. LEWIS License Number: L-4562

Title: PROJECT MANAGER

Company Name: CHARLES F. RIGGS & ASSOCIATES, INC.

Address: 502 NEW BRIDGE STREET

City: JACKSONVILLE State: NC ZIP Code: 28540

Telephone: (910) 455-0877 Ext.: 41 Email: riggsland@riggslandnc.com

Signature: James A. Lewis Date: 6/24/24



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):
PROPOSED DWELLING IS TWO STORY ON PILINGS, ENCLOSED BELOW. THE TOWN OF NORTH TOPSAIL BEACH HAS ADOPTED V-ZONE CONSTRUCTION STANDARDS THROUGHOUT AND REQUIRES A 2' FREEBOARD DURING CONSTRUCTION THEREFORE THE BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER MUST HAVE AN ELEVATION OF AT LEAST 12.0' + 2.0' = 14.0' (PROPOSED BOTTOM OF BAND = 17.0')

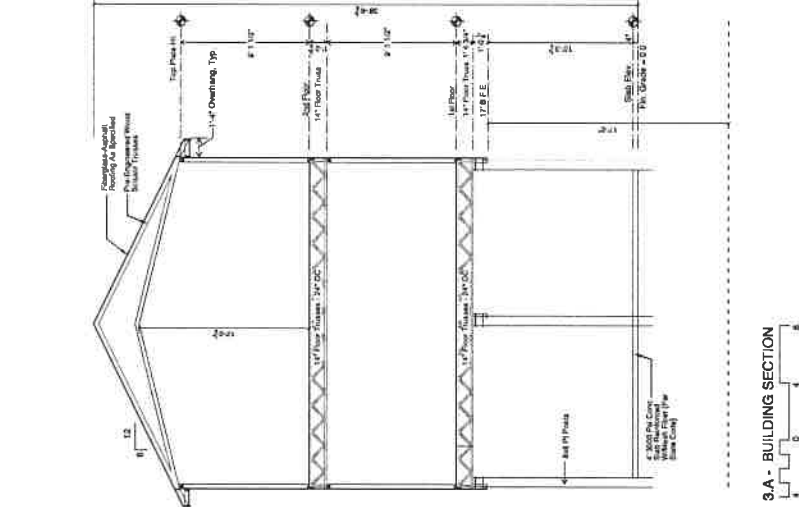
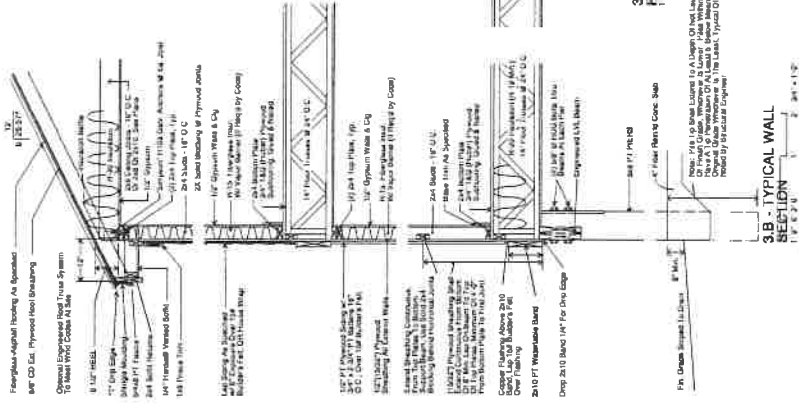
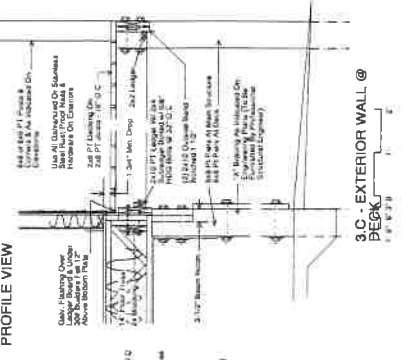
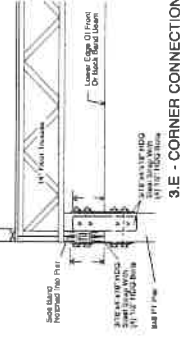
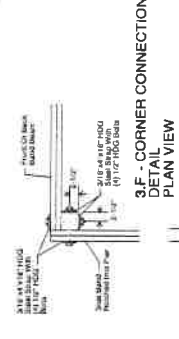
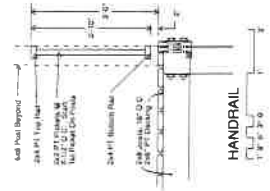
(CFR #23-04-19-05)



Residence For: Tad and Renee Scott
 1116 New River Inlet Road
 North Topsail Beach, North Carolina

SECTIONS
 & DETAILS

2021	REVISED
2020	REVISED
2019	REVISED
2018	REVISED
2017	REVISED
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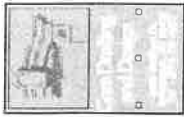
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 1/4" = 1'-0"

3.B - TYPICAL WALL
 SECTION
 1/4" = 1'-0"

3.C - EXTERIOR WALL @
 DECK
 1/4" = 1'-0"

3.E - CORNER CONNECTION
 DETAIL PROFILE VIEW
 1/4" = 1'-0"

3.E - CORNER CONNECTION
 DETAIL PLAN VIEW
 1/4" = 1'-0"

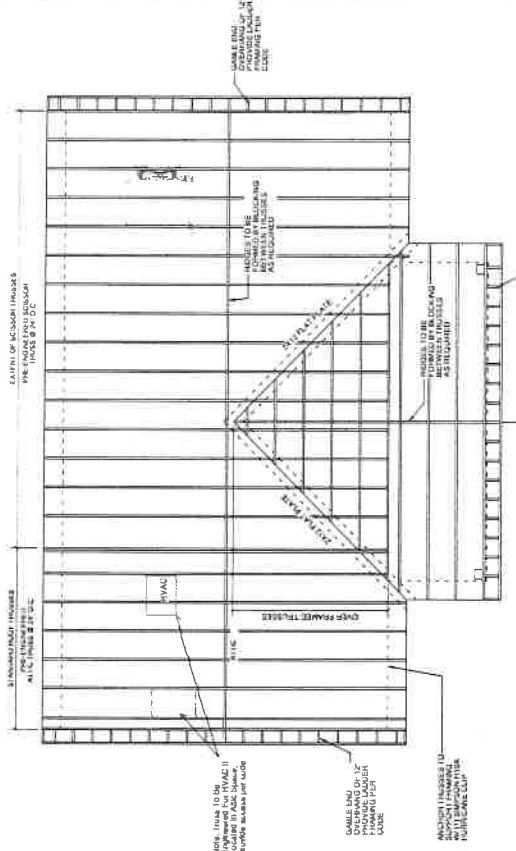


Residence For: Tad and Renee Scott
 1116 New River Inlet Road
 North Topsail Beach, North Carolina

ROOF PLANS
 & DETAILS

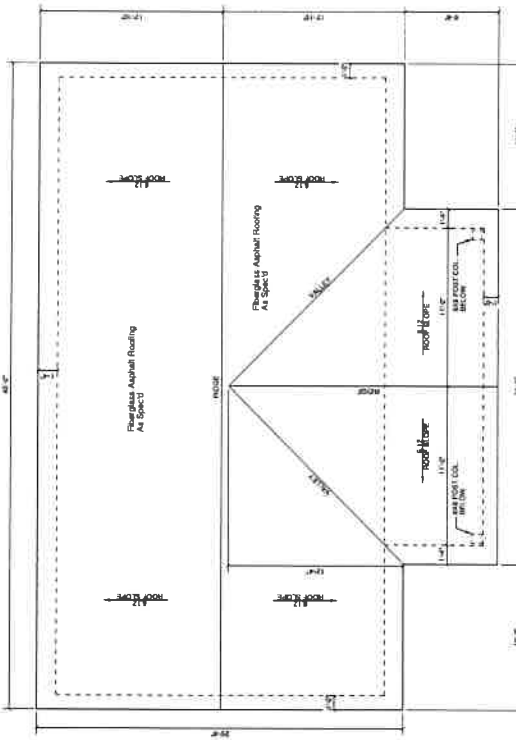
DATE	DESCRIPTION
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11/17/24	DESIGNED
11/17/24	CHECKED
11/17/24	APPROVED

A4

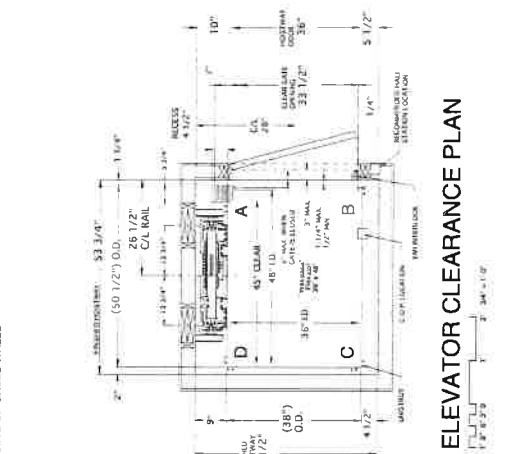


ROOF FRAMING PLAN

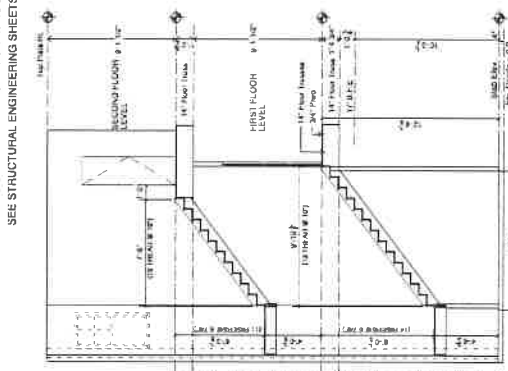
SEE N.C. STATE CODE BOOK FOR ATTIC BRACING OF GABLE WALLS
 SEE STRUCTURAL ENGINEERING SHEETS



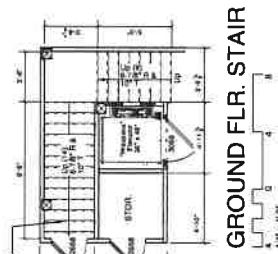
ROOF PLAN



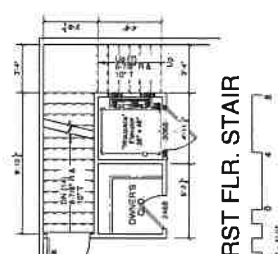
ELEVATOR CLEARANCE PLAN



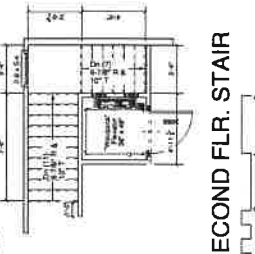
STAIR SECTION



GROUND FLR. STAIR



FIRST FLR. STAIR



SECOND FLR. STAIR

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

CRC-23-01

February 13, 2023

MEMORANDUM

TO: Coastal Resources Commission
FROM: Ken Richardson
SUBJECT: Proposed Amendments to 15A NCAC 7H .0306, .0309, and .0310 – Grandfathering, Small Structure Exceptions, Inlet Hazard Areas

At your September 2022 meeting, the Commission adopted amendments to 15A NCAC 7H .0304, .0306, .0309 and .0310 to update the Inlet Hazard Area (IHA) boundaries and corresponding use standards. Shortly after the meeting, DCM received questions regarding lots included within the new IHA boundaries that were platted before and after June 1, 1979, when setback rules went into effect for the first time; and where higher calculated erosion rates resulted in setbacks that would preclude new structures other than those allowed in 7H.0309 setback exceptions. At the November 2022 Commission meeting, Staff summarized the issues and presented recommendations for the Commission to consider.

Given the feedback from the Commission and public comments, Staff are proposing additional amendments to address concerns, particularly as they pertain to various “grandfathering” provisions and exceptions to oceanfront setbacks. 15A NCAC 07H .0306(a)(3)(L) is an existing rule that defines conditions that apply to the grandfathering of existing structures that have a total floor area no greater than 10,000 square feet and were built before August 11, 2009, when graduated setbacks went into effect. This rule was established by State law in 2013 and is applicable to all Ocean Hazard Areas (OHA) coastwide, which includes Inlet Hazard Areas. For clarification purposes, Staff is recommending an additional amendment for the replacement of structures that cannot meet the minimum setback under .0306(a)(3) and are unable to take advantage of the grandfathering provisions under .0306(a)(3)(L) because they are not between 5,000 and 10,000 square feet in size, or because they were originally constructed after August 11, 2009 and are in a community that does not have a CRC-approved Beach Management Plan. The proposed addition to 7H .0306(a)(3)(L) references the Ocean Hazard Area exceptions in 07H .0309(b), which could be used if a structure was not eligible for “grandfathering” under .0306(a)(3)(L), but could meet the conditions specified in 07H .0309(b), including a 2,000 square foot limitation on the structure size. This does not change what is currently allowed under the Commission’s rules, it simply clarifies that while a structure replacement might not be permissible at its original size and footprint if destroyed, the option to rebuild a 2,000 square foot replacement may be available. If an existing structure is not eligible for grandfathering under .0306 or the exception under .0309, the property owner could seek a variance from the Commission. The



overall goal of these rules is to limit the siting and replacement of large structures in areas with high erosion rates and no clear commitment or ability to maintain the present shoreline position.

15A NCAC 07H .0309(b) is an existing rule that defines conditions for allowing new construction exceptions within the OHA setback when proposed development cannot meet the required setback. This rule notably limits new construction on lots created before June 1, 1979 to a total floor area no greater than 2,000 square feet, a 1,000 square foot footprint, to be set back the maximum feasible distance on the lot (a minimum of 60 feet), and to not be oceanward of the landward-most adjacent structure.

Staff is proposing amendments to 07H .0309(b) to remove the 1,000 square feet footprint but retain the total floor area of 2,000 square feet, and also to remove the June 1, 1979 stipulation which would make this exception applicable to all oceanfront and inlet areas, except Unvegetated Beach Areas Data associated with the fiscal analysis for these amendments identify 113 vacant lots in the current IHAs. Approximately 46% (52) of these lots currently do not have enough land area to allow for a structure to meet the minimum setback requirement based on current rules and erosion rate setback factors. Within the proposed updated IHA boundaries, the number of vacant lots increases by 60, to 173. Of the 173 vacant lots, approximately 62 (36%) cannot meet the minimum construction setback; therefore, 111 (64%) of the vacant lots have potential to be developed should the owner chose to do so. For those that cannot meet the minimum setback for a larger structure, they could potentially utilize this exception for a structure up to 2,000 square feet if conditions are met. This amendment addresses a primary concern related to the earlier repeal of 07H .0104.

15A NCAC 07H .0310 is an existing rule that defines use standards for Inlet Hazard Areas. The Commission adopted amendments to these rules in September 2022; however, DCM Staff are proposing an additional amendment to 07H .0310(a)(8) to reference the proposed grandfathering language in 07H .0306(a)(3)(L). This change does not create any additional restrictions, but simply clarifies that the grandfathering provisions currently applied on the oceanfront will also apply within IHAs.

DCM Staff are looking forward to discussing the proposed amendments to 15A NCAC 07H .0306(a)(3)(L), 15A NCAC 07H .0309(b) and 07H .0310(a)(8) at the February meeting.

PROPOSED AMENDMENTS:

15A NCAC 07H .0304 AECS WITHIN OCEAN HAZARD AREAS

The ocean hazard AECs contain all of the following areas:

- (1) Ocean Erodible Area. This is the area where there exists a substantial possibility of excessive erosion and significant shoreline fluctuation. The oceanward boundary of this area is the mean low water line. The landward extent of this area is the distance landward from the vegetation line as defined in 15A NCAC 07H .0305(a)(5) to the recession line established by multiplying the long-term annual erosion rate times 90; provided that, where there has been no long-term erosion or the rate is less than two feet per year, this distance shall be set at 180 feet landward from the vegetation line. For the purposes of this Rule, the erosion rates are the long-term average based on available historical data. 90. The current long-term average erosion rate data for each segment of the North Carolina coast is depicted on maps entitled "North Carolina 2019 Oceanfront Setback Factors & Long-Term Average Annual Erosion Rate Update Study" and approved by the Coastal Resources Commission on February 28, 2019 (except as such rates may be varied in individual contested cases or in declaratory or interpretive rulings). In all cases, the rate of shoreline change shall be no less than two feet of erosion per year. The maps are available without cost from any Local Permit Officer or the Division of Coastal Management on the internet at <http://www.nccoastalmanagement.net>.
- (2) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to erosion, flooding, and other adverse effects of sand, wind, and water because of their proximity to dynamic ocean inlets. This area extends landward from the mean low water line a distance encompassing that area within which the inlet migrates, based on statistical analysis, and shall consider such factors as previous inlet territory, structurally weak areas near the inlet, and external influences such as jetties, terminal groins, and channelization. The areas on the maps identified as Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS, The Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended in 1981, by Loie J. Priddy and Rick Carraway "Inlet Hazard Area Boundary, 2019 Update: Science Panel Recommendations to the North Carolina Coastal Resources Commission" are incorporated by reference and are hereby designated as Inlet Hazard Areas, except for: Areas.
 - (a) the location of a former inlet which has been closed for at least 15 years;
 - (b) inlets that due to shoreline migration, no longer include the current location of the inlet;
and
 - (c) inlets providing access to a State Port via a channel maintained by the United States Army Corps of Engineers.

In all cases, the Inlet Hazard Area shall be an extension of the adjacent ocean erodible areas and in no case shall the width of the inlet hazard area be less than the width of the adjacent ocean erodible area. This report is The report and maps are available for inspection at the Department of

Environmental Quality, Division of Coastal Management, 400 Commerce Avenue, Morehead City, North Carolina or at the website referenced in Item (1) of this Rule.

(3) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable and natural vegetation is present may be designated as Unvegetated Beach Areas on either a permanent or temporary basis as follows:

(a) An area appropriate for permanent designation as an Unvegetated Beach Area is a dynamic area that is subject to rapid unpredictable landform change due to wind and wave action. The areas in this category shall be designated following studies by the Division of Coastal Management. These areas shall be designated on maps approved by the Coastal Resources Commission and available without cost from any Local Permit Officer or the Division of Coastal Management on the internet at the website referenced in Item (1) of this Rule.

(b) An area that is unvegetated as a result of a hurricane or other major storm event may be designated by the Coastal Resources Commission as an Unvegetated Beach Area for a specific period of time, or until the vegetation has re-established in accordance with 15A NCAC 07H .0305(a)(5). At the expiration of the time specified or the re-establishment of the vegetation, the area shall return to its pre-storm designation.

(c) The Commission designates as temporary unvegetated beach areas those oceanfront areas of:

(i) Surf City and North Topsail Beach in which the vegetation line as shown on the United States National Oceanic and Atmospheric Administration imagery dated September 17, 2018 was destroyed as a result of Hurricane Florence in September 2018; and

(ii) Oak Island in which the vegetation line as shown on the United States National Oceanic and Atmospheric Administration and Geological Survey imagery dated August 4, 2020 was destroyed as a result of Hurricane Isaias in August 2020.

The designation AEC boundaries can be found on the Division's website at https://files.nc.gov/ncdeq/Coastal%20Management/GIS/unvegetated_beach_aec.pdf and https://files.nc.gov/ncdeq/Coastal%20Management/GIS/unveg_beachAEC_Oak_Island.zip. This designation shall continue until such time as the stable and natural vegetation has reestablished, or until the area is permanently designated as an unvegetated beach area pursuant to Sub-Item (3)(a) of this Rule.

(4) State Ports Inlet Management Area. These are areas adjacent to and within Beaufort Inlet and the mouth of the Cape Fear River, providing access to a State Port via a channel maintained by the United States Army Corps of Engineers. These areas are unique due to the influence of federally-maintained channels, and the critical nature of maintaining shipping access to North Carolina's State Ports. These areas may require specific management strategies not warranted at other inlets to address erosion and shoreline stabilization. State Ports Inlet Management Areas shall extend from the mean low water line landward as designated on maps approved by the Coastal Resources

Commission and available without cost from the Division of Coastal Management, and on the internet at the website at https://files.nc.gov/ncdeq/Coastal%20Management/GIS/state_port_aec.pdf.

History Note: Authority G.S. 113A-107; 113A-107.1; 113A-113; 113A-124;
Eff. September 9, 1977;
Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985;
Temporary Amendment Eff. October 10, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. October 10, 1996 Expired on July 29, 1997;
Temporary Amendment Eff. October 22, 1997;
Amended Eff. April 1, 2020; July 1, 2016; September 1, 2015; May 1, 2014; February 1, 2013;
January 1, 2010; February 1, 2006; October 1, 2004; April 1, 2004; August 1, 1998;
Readopted Eff. December 1, 2020;
Amended Eff. December 1, 2022; August 1, 2022; September 1, 2021.

15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located according to whichever of the following is applicable:

- (1) The ~~ocean hazard~~ **Ocean Hazard Area** setback for development shall be measured in a landward direction from the vegetation line, the pre-project vegetation line, or the measurement line, whichever is applicable.
- (2) The ocean hazard setback shall be determined by both the size of development and the shoreline ~~long-term~~ **long-term** erosion rate as defined in Rule .0304 of this Section. "Development size" is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:
 - (A) The total square footage of heated or air-conditioned living space;
 - (B) The total square footage of parking elevated above ground level; and
 - (C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing.

Decks, roof-covered porches, and walkways shall not be included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space with material other than screen mesh.

- (3) With the exception of those types of development defined in 15A NCAC 07H .0309(a), no development, including any portion of a building or structure, shall extend oceanward of the ~~ocean hazard~~ **Ocean Hazard Area** setback. This includes roof overhangs and elevated structural

components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback shall be established based on the following criteria:

- (A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
- (B) A building or other structure greater than or equal to 5,000 square feet but less than 10,000 square feet requires a minimum setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
- (C) A building or other structure greater than or equal to 10,000 square feet but less than 20,000 square feet requires a minimum setback of 130 feet or 65 times the shoreline erosion rate, whichever is greater;
- (D) A building or other structure greater than or equal to 20,000 square feet but less than 40,000 square feet requires a minimum setback of 140 feet or 70 times the shoreline erosion rate, whichever is greater;
- (E) A building or other structure greater than or equal to 40,000 square feet but less than 60,000 square feet requires a minimum setback of 150 feet or 75 times the shoreline erosion rate, whichever is greater;
- (F) A building or other structure greater than or equal to 60,000 square feet but less than 80,000 square feet requires a minimum setback of 160 feet or 80 times the shoreline erosion rate, whichever is greater;
- (G) A building or other structure greater than or equal to 80,000 square feet but less than 100,000 square feet requires a minimum setback of 170 feet or 85 times the shoreline erosion rate, whichever is greater;
- (H) A building or other structure greater than or equal to 100,000 square feet requires a minimum setback of 180 feet or 90 times the shoreline erosion rate, whichever is greater;
- (I) Infrastructure that is linear in nature, such as roads, bridges, pedestrian access such as boardwalks and sidewalks, and utilities providing for the transmission of electricity, water, telephone, cable television, data, storm water, and sewer requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
- (J) Parking lots greater than or equal to 5,000 square feet require a setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
- (K) Notwithstanding any other setback requirement of this Subparagraph, construction of a new building or other structure greater than or equal to 5,000 square feet in a community with an unexpired static line exception or Beach Management Plan approved by the Commission in accordance with 15A NCAC 07J .1200 requires a minimum setback of 120 feet or 60 times the shoreline erosion rate in place at the time of permit issuance, whichever is greater. The setback shall be measured landward from either the vegetation line or measurement line, whichever is farthest landward; and

(L) Notwithstanding any other setback requirement of this Subparagraph, replacement of a structure with a total floor area no greater than 10,000 square feet shall be allowed provided that the structure meets the following criteria:

- (i) the structure is in a community with an unexpired static line exception, Beach Management Plan approved by the Commission, or was originally constructed prior to August 11, 2009;
- (ii) the structure as replaced does not exceed the original footprint or square footage;
- (iii) it is not possible for the structure to be rebuilt in a location that meets the ~~ocean hazard~~ **Ocean Hazard Area** setback criteria required under Subparagraph ~~(a)(5)~~ **(a)(3)** of this Rule;
- (iv) the structure as replaced meets the minimum setback required under Part ~~(a)(5)(A)~~ **(a)(3)(A)** of this Rule; a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater; and
- (v) the structure is rebuilt as far landward on the lot as feasible.

Where application of the setback requirements of rule .0306(a) would preclude the replacement of structures built after August 11, 2009, a structure shall be permitted seaward of the applicable setback line if each of the conditions in 15A NCAC 07H .0309(b) are met.

- (4) If a primary dune exists in the AEC, on or landward of the lot where the development is proposed, the development shall be landward of the applicable ocean hazard setback and the crest of the primary dune. For existing lots where setting the development landward of the crest of the primary dune would preclude any practical use of the lot, development may be located oceanward of the primary dune. In such cases, the development may be located landward of the ocean hazard setback, and shall not be located on or oceanward of a frontal dune. For the purposes of this Rule, "existing lots" shall mean a lot or tract of land that, as of June 1, 1979, is specifically described in a recorded plat and cannot be enlarged by combining the lot or tract of land with a contiguous lot or tract of land under the same ownership.
- (5) If no primary dune exists, but a frontal dune does exist in the AEC on or landward of the lot where the development is proposed, the development shall be set landward of the frontal dune or ~~ocean hazard~~ **Ocean Hazard Area** setback, whichever is farthest from the vegetation line, pre-project vegetation line, or measurement line, whichever is applicable.
- (6) Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically but not be structurally attached to an existing structure that does not conform with current setback requirements.
- (7) Established common law and statutory public rights of access to and use of public trust lands and waters in ~~ocean hazard areas~~ **Ocean Hazard Areas** shall not be eliminated or restricted, nor shall

such development increase the risk of damage to public trust areas. Development shall not encroach upon public accessways, nor shall it limit the intended use of the accessways.

- (8) Development setbacks in areas that have received large-scale beach fill as defined in 15A NCAC 07H .0305 shall be measured landward from the pre-project vegetation line as defined in this Section, unless an unexpired static line exception or Beach Management Plan approved by the Commission has been approved for the local jurisdiction by the Coastal Resources Commission in accordance with 15A NCAC 07J .1200.
 - (9) A local government, group of local governments involved in a regional beach fill project, or qualified "owners' association" as defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline, may petition the Coastal Resources Commission for approval of a "Beach Management Plan" in accordance with 15A NCAC 07J .1200. If the request for a Beach Management Plan is approved, the Coastal Resources Commission shall allow development setbacks to be measured from a vegetation line that is oceanward of the pre-project vegetation line under the following conditions:
 - (A) Development meets all setback requirements from the vegetation line defined in Subparagraphs (a)(1) and (a)(3) of this Rule;
 - (B) Development setbacks shall be calculated from the shoreline erosion rate in place at the time of permit issuance;
 - (C) No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks, if applicable. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent buildings or structures exist, or the configuration of a lot, street, or shoreline precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure must meet the applicable setback from the Vegetation Line and will not be held to the landward-most adjacent structure or an average line of structures.
 - (D) With the exception of swimming pools, the exceptions defined in Rule .0309(a) of this Section shall be allowed oceanward of the pre-project vegetation line.
- (b) Development shall not cause irreversible damage to historic architectural or archaeological resources as documented by the local historic commission, the North Carolina Department of Natural and Cultural Resources, or the National Historical Registry.

- (c) Mobile homes shall not be placed within the ~~high hazard flood area~~ Ocean Hazard Area unless they are within mobile home parks existing as of June 1, 1979.
- (d) Development proposals shall incorporate measures to avoid or minimize adverse impacts of the project. These measures shall be implemented at the applicant's expense and may include actions that:
- (1) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
 - (2) restore the affected environment; or
 - (3) compensate for the adverse impacts by replacing or providing substitute resources.
- (e) Prior to the issuance of any permit for development in the ~~ocean hazard AECs;~~ Ocean Hazard Area, there shall be a written acknowledgment from the applicant to the Division of Coastal Management that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of this area for permanent structures. The acknowledgement shall state that the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.
- (f) The relocation or elevation of structures shall require permit approval.
- (1) Structures relocated landward with public funds shall comply with the applicable ocean hazard setbacks and other applicable AEC rules.
 - (2) Structures relocated landward entirely with non-public funds that do not meet current applicable ocean hazard setbacks may be relocated the maximum feasible distance landward of its present location. Septic tanks shall not be relocated oceanward of the primary structure.
 - (3) Existing structures shall not be elevated if any portion of the structure is located seaward of the vegetation line.
- (g) Permits shall include the condition that any structure shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration as defined in 15A NCAC 07H .0308(a)(2)(B). Any such structure shall be relocated or dismantled within eight years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence. However, if natural shoreline recovery or beach fill takes place within eight years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled. This permit condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed pursuant to 15A NCAC 07H .0308(a)(2).

*History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124;
Eff. September 9, 1977;
Amended Eff. December 1, 1991; March 1, 1988; September 1, 1986; December 1, 1985;
RRC Objection due to ambiguity Eff. January 24, 1992;
Amended Eff. March 1, 1992;
RRC Objection due to ambiguity Eff. May 21, 1992;
Amended Eff. February 1, 1993; October 1, 1992; June 19, 1992;
RRC Objection due to ambiguity Eff. May 18, 1995;
Amended Eff. August 11, 2009; April 1, 2007; November 1, 2004; June 27, 1995;
Temporary Amendment Eff. January 3, 2013;*

Amended Eff. September 1, 2017; February 1, 2017; April 1, 2016; September 1, 2013;

Readopted Eff. December 1, 2020;

Amended Eff. December 1, 2022; August 1, 2022; December 1, 2021.

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary amusement stands consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; and
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be placed.

In all cases, this development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the ~~oceanfront~~ **Ocean Hazard Area** setback requirements of Rule .0306(a) of this Section would preclude placement of a structure ~~on a lot existing as of June 1, 1979, the structure shall be permitted seaward of the applicable setback line~~ in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach ~~Areas~~ **Areas**, ~~the structure shall be permitted seaward of the applicable setback line~~ if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance ~~possible~~ on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section;

- (A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;
- (B) The footprint of the structure shall be no more than 1,000 square feet, and the total floor area of the structure shall be no more than 2,000 square feet. For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;
- (C) Driveways and parking areas shall be constructed of clay, packed sand or gravel except in those cases where the development does not abut the ocean and is located landward of a paved public street or highway currently in use. In those cases, other material may be used; and
- (D) No portion of a building's total floor area, including elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, may extend oceanward of the total floor area of the landward-most habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent building or structure exists, or the geometry or orientation of a lot or shoreline precludes the placement of a building in line with the landward most adjacent structure of similar use, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure shall meet the applicable setback from the Vegetation Line but shall not be held to the landward-most adjacent structure or an average line of structures. The ocean hazard setback shall extend landward of the vegetation line, static vegetation line or measurement line, whichever is applicable, a distance no less than 60 feet.

- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system shall be submitted as part of the CAMA permit application.

(c) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) piers providing public access; and
- (2) maintenance and replacement of existing state-owned bridges, and causeways and accessways to such bridges.

(d) Replacement or construction of a pier house associated with an ocean pier shall be permitted if each of the following conditions is met:

- (1) The ocean pier provides public access for fishing and other recreational purposes whether on a commercial, public, or nonprofit basis;
- (2) Commercial, non-water dependent uses of the ocean pier and associated pier house shall be limited to restaurants and retail services. Residential uses, lodging, and parking areas shall be prohibited;
- (3) The pier house shall be limited to a maximum of two stories;
- (4) A new pier house shall not exceed a footprint of 5,000 square feet and shall be located landward of mean high water;
- (5) A replacement pier house may be rebuilt not to exceed its most recent footprint or a footprint of 5,000 square feet, whichever is larger;
- (6) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
- (7) If the pier has been destroyed or rendered unusable, replacement or expansion of the associated pier house shall be permitted only if the pier is being replaced and returned to its original function.

(e) In addition to the development authorized under Paragraph (d) of this Rule, small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and ~~small-seale~~ small-scale erosion control measures that do not interfere with natural oceanfront processes, shall be permitted in the Ocean Hazard Area along those portions of shoreline that exhibit features characteristic of an Estuarine Shoreline. Such features include the presence of wetland vegetation, and lower wave energy and erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, ~~small-seale~~ small-scale is defined as those projects which are eligible for authorization under 15A NCAC 07H .1100, .1200, and 15A NCAC 07K .0203.

(f) Transmission lines necessary to transmit electricity from an offshore energy-producing facility may be permitted provided that each of the following conditions is met:

- (1) The transmission lines are buried under the ocean beach, nearshore area, and primary and frontal dunes, all as defined in Rule .0305 of this Section, in such a manner so as to ensure that the placement of the transmission lines involves no alteration or removal of the primary or frontal dunes; and
- (2) The design and placement of the transmission lines shall be performed in a manner so as not to endanger the public or the public's use of the beach.

(g) Existing stormwater outfalls as of the last amended date of this rule within the Ocean Hazard AEC that are owned or maintained by a State agency or local government, may be extended oceanward subject to the provisions contained within 15A NCAC 07J .0200. Outfalls may be extended below mean low water and may be maintained in accordance with 15A NCAC 07K .0103. Shortening or lengthening of outfall structures within the authorized dimensions, in response to changes in beach width, is considered maintenance under 15A NCAC 07K .0103. Outfall extensions may be marked with signage and shall not prevent pedestrian or vehicular access along the beach. This Paragraph does not apply to existing stormwater outfalls that are not owned or maintained by a State agency or local government.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124;

Eff. February 2, 1981;

Amended Eff. April 1, 2020; June 1, 2010; February 1, 2006; September 17, 2002 pursuant to S.L. 2002-116; August 1, 2000; August 1, 1998; April 1, 1996; April 1, 1995; February 1, 1993; January 1, 1991; April 1, 1987;

Readopted Eff. December 1, 2020;

Amended Eff. December 1, 2022; August 1, 2022.

15A NCAC 07H .0310 USE STANDARDS FOR INLET HAZARD AREAS

(a) Inlet Hazard Areas of Environmental Concern as defined by Rule .0304 of this Section are subject to inlet migration, rapid and severe changes in watercourses, flooding and strong tides. Due to the extremely hazardous nature of the Inlet Hazard Areas, all development within these areas shall be permitted in accordance with the following standards:

- (1) All development in the inlet hazard area shall be set back from the vegetation line a distance equal to the setback required in the adjacent ocean hazard area; The Inlet Hazard Area setback for development shall be measured in a landward direction from the vegetation line, the pre-project vegetation line, or the measurement line, whichever is applicable in accordance with 15A NCAC 07H .0306;
- (2) Inlet Hazard Area setback factors are based on the long-term average annual shoreline change rates calculated using methods detailed in the report entitled "Inlet Hazard Area Boundary, 2019 Update: Science Panel Recommendations to the North Carolina Coastal Resources Commission," and are depicted on maps entitled "2019 Inlet Setback Factors," approved by the Coastal Resources Commission on February 28, 2019. Inlet Hazard Area setback factors shall be no less than two where accretion is measured, or where erosion rates are less than two feet per year;
- (3) All development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located in accordance with 15A NCAC 07H .0306;
- (2)(4) Permanent structures shall be permitted at a density of no more than one commercial or residential unit structure per 15,000 square feet of land area on lots subdivided or created after July 23, 1981; [August 1, 2022] [INSERT EFFECTIVE DATE OF RULE];
- (3)(5) Only residential structures of four units or less or non-residential structures of less than 5,000 square feet total floor area shall be allowed within the inlet hazard area; New structures within an Inlet Hazard Area shall not exceed 5,000 square feet total floor area in accordance with 15A NCAC 07H .0306(a)(4), except that access roads to those areas and maintenance and replacement of existing bridges shall be allowed;
- (4)(6) Established common-law and statutory public rights of access to the public trust lands and waters in Inlet Hazard Areas shall not be eliminated or restricted. Development shall not encroach upon public accessways nor shall it limit the intended use of the accessways; and
- (5)(7) All other rules in this Subchapter pertaining to development in the ocean hazard areas Ocean Hazard Areas shall be applied to development within the Inlet Hazard Areas. Areas; and

(8) Notwithstanding any other setback requirement in 15A NCAC 07H .0306(a), replacement of a structure with a total floor area no greater than 10,000 square feet shall be allowed provided that the structure meets the criteria in 15A NCAC 07H .0306(a)(3)(L).

(b) The ~~inlet hazard area~~ Inlet Hazard Area setback requirements shall not apply to the types of development exempted from the ocean setback rules in 15A NCAC 07H .0309(a), or to the types of development listed in 15A NCAC 07H .0309(c).

(c) In addition to the types of development excepted under Rule .0309 of this Section, ~~small-scale~~ small-scale development that does not induce further growth in the Inlet Hazard Area, such as the construction of single-family piers and ~~small-scale~~ small-scale erosion control measures that do not interfere with natural inlet movement, may be permitted on those portions of shoreline within a designated Inlet Hazard Area that exhibit features characteristic of Estuarine Shoreline. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, ~~small-scale~~ small-scale is defined as those projects which are eligible for authorization under 15A NCAC 07H .1100, .1200, and 07K .0203.

*History Note: Authority G.S. 113A-107; 113A-113(b); 113A-124;
Eff. December 1, 1981;
Emergency Rule Eff. September 11, 1981, for a period of 120 days to expire on January 8, 1982;
Temporary Amendment Eff. October 30, 1981, for a period of 70 days to expire on January 8, 1982;
Amended Eff. April 1, 1999; April 1, 1996; December 1, 1992; December 1, 1991; March 1, 1988;
Readopted Eff. December 1, 2020;
Amended Eff. December 1, 2022; August 1, 2022.*